

## REMARKS

Responsive to the sixth Office action dated December 16, 2008, applicant notes that it is surprised by the determination that the application has an abandoned status based upon the previous Examiner's reopening of prosecution on March 12, 2004. Applicant has understood throughout this long prosecution that it has complied with all ongoing requirements and has timely made all necessary responses. As recent as November - December, 2008 applicant's attorney understood that the application was in condition for reissuance and was going through a final review process.

Notwithstanding the above, applicant is filing contemporaneously with this Amendment, a Petition to Revive so that it has complied with all outstanding requirements. Applicant also requests expedited examination so that the patent will be reissued as soon as possible. Based upon the record and applicant's attorney's prior conversation with Examiner Canfield, applicant understands that there are no prior-art based rejections of the amended and new claims.

With respect to technical matters, the Patent Office has noted that applicant must also provide the following: (1) claim status (e.g. pending, canceled) provided on pages separate from the document showing amended claims; and (2) explanation of support in the disclosure of the patent application for changes made to the claims. The Patent Office also noted that there was a typographical error in the third line of claim 22, and that a claim index should be provided.

By the above-identified amendments, applicant is providing a claim index, which it also believes complies with requirement (1) above. With respect to requirement (2) above, applicant provides the following information. Support in the specification for the following components of claims 1-3, 5-6, 9-11, and 21-22 is shown at the page and line designations provided in parentheticals after each of the components: (1) floor joist retainer body (page 3, line 12); (2) intermediate structural plate (page 5, line 15); (3) retaining flange (page 3, line 10); and (4)

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removable means for removably attaching the floor joist to the retainer body to the forms (page 3, line 15).

Support in the specification for the following steps of the method recited in claims 7-8 is shown at the page and line designations provided in parentheticals after each of the components: (1) using a floor joist retainer having a floor joist retainer body (page 3, line 12); (2) the floor joist retainer further including an intermediate structural plate (page 5, line 15); (3) the floor joist retainer further including a retaining flange (page 3, line 10); (4) removable means for removably attaching the floor joist to the retainer body to the forms (page 3, line 15); (5) positioning and attaching the floor joist retainer... (page 7, line 20); (6) pouring the concrete into the forms (page 7, line 22); (7) curing the concrete (page 7, line 23); (8) removing the forms (page 7, line 23); (9) removing the intermediate structural plate... (page 7, line 23); (9) removing the removable top from the floor joist retainer body (page 7, line 24) and (10) positioning the end of the floor joist into the floor joist retainer body (page 7, line 25).

In the above-identified amendments, applicant has also added certain descriptive text to the specification. However, no new matter has been added.

Finally, the above-identified amendments include correction of the typographical error in the third line of claim 22.

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Accordingly, applicant respectfully requests allowance of the reissue application and reissuance of the patent.

Respectfully submitted,

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CERTIFICATE OF E-FILING

I hereby certify that the Petition to Revive, Amendment, Claim Index and submission of payment in the amount of \$810.00 are being electronically filed with the U.S. Patent and Trademark Office, EFS Web Filing System on February 9, 2009.

/Mandi M. Leighty/

Mandi M. Leighty

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**CLAIM INDEX**

1. Amended
2. Original
3. Amended
4. Canceled
5. Amended
6. Amended
7. Amended
8. Amended
9. New
10. New
11. New
12. Canceled
13. Canceled
14. Canceled
15. Canceled
16. Canceled
17. Canceled
18. Canceled
19. Canceled
20. Canceled
21. New
22. New